

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

LESLIE COUNTY,
(TDCJ-CID #426980)

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§

§

Petitioner,

§

§

vs.

CIVIL ACTION H-13-2470

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§

BRENDA MCNEIL,

§

§

Respondent.

§

MEMORANDUM AND OPINION

Leslie County, a state prisoner, seeks a writ of mandamus against Brenda McNeil, an Assistant District Attorney for Harris County, compelling her to produce the records of County's 1986 state criminal trial for murder. County wants the records to challenge his conviction.

This court lacks jurisdiction over this petition. It is therefore dismissed, for the reasons explained below.

Federal district courts are courts of limited statutory jurisdiction. *See Dunn-McCampbell Royalty Interest, Inc. v. Nat'l Park Serv.*, 112 F.3d 1283, 1286 (5th Cir. 1997); *Veldhoen v. U.S. Coast Guard*, 35 F.3d 222, 225 (5th Cir. 1994). The only federal statute authorizing federal district courts to issue writs of mandamus is 28 U.S.C. § 1361. That statute states that “[t]he district courts shall have original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff.” *Dunn-McCampbell Royalty Interest, Inc.*, 112 F.3d at 1288 (quoting 28 U.S.C. § 1361). The respondent is an Assistant District Attorney for Harris County. She is not a federal officer, agent, or employee. The court lacks jurisdiction to issue the mandamus writ County requests.

County's petition for a writ of mandamus is dismissed for lack of jurisdiction. Any pending motions are denied as moot.

SIGNED on August 28, 2013, at Houston, Texas.



Lee H. Rosenthal
United States District Judge